IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2020 OF 2005

Dr. Nitin Kareer & Ors ...Petitioners

Versus

Sahadu Bhaurao Repale & Ors ...Respondents

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Mr. Vijay G.Mujumdar, Advocate for Petitioners

Mr. B.H. Mehta, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 26TH AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. Complaint i.e. Criminal Case No. 15 of 2005 had been filed before the learned J.M.F.C., PMC Court, Pune against the petitioners. The said complaint is under Sections 34, 119, 120-B, etc. of I.P.C. as well as under Section 392 and 393 of B.P.M.C. Act and Section 52 and 53 of M.R.T.P. Act. By order dated 24.6.2005, the learned Magistrate in the said case issued directions to the police to investigate under Section 156(3) of Cr.P.C. Being aggrieved by the said order dated 24.6.2005, the present petition has been filed.

3. The learned advocate for the petitioners states that he is not pressing the prayer for quashing of the said order and he seeks liberty to file appropriate proceedings before the appropriate forum. Liberty as prayed for is granted.

4. The learned advocate for the petitioners states that in view of the order of the learned J.M.F.C. dated 24.6.2005, an F.I.R. would be registered and the petitioners would be arrested and some protection in respect of arrest may be granted to the petitioners.

5. Looking to the facts of this case, I am inclined to grant protection to the petitioners. Hence, it is directed that if the investigating agency is of the opinion that the custody of the petitioners is necessary, then, they shall give them 96 hours notice prior to their arrest.

6. Writ petition is disposed of with the above directions.

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